

INTRADEPARTMENTAL CORRESPONDENCE

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER INVOLVED SHOOTING FID NO. 015-19

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OFFICE OF THE INSPECTOR GENERAL

Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 015-19. A Use of Force Review Board (UOFRB) was convened on this matter on January 13, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On April 20, 2019, Officers I. Chessum, Serial No. 40895 and E. Trujillo, Serial No. 42259, Newton Area, Gang Enforcement Detail (GED), were dressed in full uniform, driving a hybrid black and white police vehicle while conducting crime suppression in the area of the Pueblo Del Rio Public Housing Development in Newton Area.

Officer Trujillo had been assigned to Newton GED six days prior and had worked with Officer Chessum on five prior occasions since coming into the GED unit. Officers Chessum and Trujillo discussed tactics prior to their start of watch, as well as during their shifts, which included contact and cover roles, the use of less lethal force options, and foot pursuits. They specifically discussed the importance of knowing and broadcasting their location, not separating, and knowing when to disengage from a foot pursuit.

According to Officer Chessum, he advised Officer Trujillo that since Officer Chessum was more familiar with Pueblo Del Rio Public Housing Development *terrain*, if any foot pursuits were to occur, Officer Chessum would most likely be the one to broadcast. Officers Chessum and Trujillo additionally discussed the concept of apprehension vs containment mode during foot pursuits and should a suspect be armed, their objective would be to request additional resources and establish a perimeter, rather than attempt to apprehend the suspect.

According to Officer Chessum, their assignment for the day was to monitor the 38th Street gang which had been very *active* recently. One of the main rivals of the 38th Street gang was the

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

Pueblo Bishops Bloods. The Pueblo Bishop Bloods claimed the Pueblo Del Rio Public Housing Development as part of their territory. Officer Chessum had received information that members of the 38th Street gang had been driving through the *Pueblos*² recently and that generally, when a gang member is in the *opposing gang's territory*, they are usually in possession of a firearm.

According to the FID investigation, at approximately 2120 hours, Officers Chessum and Trujillo had just completed an unrelated traffic stop at the intersection of East 52nd Street and Alba Street. The officers had not yet updated their status when, while proceeding west on East 52nd Street, they observed a silver BMW *creeping* slowly northbound on Holmes Avenue approaching the intersection of East 52nd Street and Holmes Avenue. This caught the officers' attention as it is *typically a tactic that is used by gang members when they're looking for a rival gang members* against which to commit a crime. Due to the position of Officer Chessum and Trujillo's police vehicle, they were not able to stop the silver BMW as they were also approaching the intersection. The silver BMW reached the intersection of Holmes Avenue and East 52nd Street, made a left westbound turn onto East 52nd Street and while in the residential neighborhood, *accelerated at a high rate of speed of at least 45 miles an hour* toward Long Beach Avenue in violation of California Vehicle Code (CVC) section 22350 - Unsafe Speed. Upon reaching the intersection of 52nd Street and Long Beach Avenue which was controlled by a stop sign, the silver BMW *failed to stop* at the posted stop sign, a violation of CVC 22450 - Failure to Stop for Sign, and proceeded to make a right northbound turn on to Long Beach Avenue.

According to Officer Chessum, as the silver BMW turned from Holmes Avenue onto East 52nd Street, they began to follow the vehicle. The officers caught up to the silver BMW while it traveled eastbound on 51st Street in anticipation of their *intention to conduct a traffic stop*. Prior to conducting a traffic stop, Officer Chessum's common practice was to conduct a license plate query of the vehicle in order to see if the vehicle was *stolen or named in any crimes*. Officer Chessum entered the vehicle license plate information into the Mobile Digital Computer (MDC) and continued to follow the silver BMW, as they waited for the return of the query. The officers were not *intending to stop the vehicle* before they received the return back; however, as the silver BMW was *nearing Holmes on 51st*, the silver BMW *abruptly stopped*. The driver exited the silver BMW vehicle. Officer Chessum observed in the driver's *front waistband, a bulge and what appeared to be a dark object*. Officer Chessum *formed the opinion* that the driver was *armed with a firearm*.³

According to Officer Trujillo, the silver BMW *stopped before the forward facing red lights* of their police vehicle were activated, indicating that the driver of the silver BMW stopped on his own accord. The driver immediately *exited the vehicle with his right hand in his waistband* and begin *running south*. Officer Trujillo believed the actions of the driver, with *his hands in the area of his waistband, was consistent with someone trying to conceal a handgun*.

² The term "Pueblos" is street vernacular for the Pueblo Del Rio Public Housing Development and the immediate surrounding area.

³ The driver of silver BMW was not identified. The FID investigation revealed that the registered owner of the BMW was Jermaine Edwards, who matched the description of the driver who fled from the vehicle. Edwards was not identified as the driver or involved in the OIS. Edwards was documented as a member of the Pueblo Bishops Blood criminal street gang with the moniker of "J Killa."

According to the FID investigation, as the driver ran toward the front of the silver BMW and fled south into the area of 1721 East 51st Street (Pueblo Del Rio Public Housing Development), Officers Chessum and Trujillo immediately initiated a foot pursuit, and subsequently ran past the silver BMW. Officer Chessum was the lead officer.

According to Officer Trujillo, as he moved past the silver BMW, he observed the *dome lights* on within the vehicle, which allowed him to clear the vehicle as he was *passing by* and verify that there were no additional occupants inside (**Additional Tactical Debrief Topic – Clearing Vehicles**).

According to the FID investigation, Officer Chessum, after passing the BMW, broadcast, “George 32, foot pursuit man with a gun, southbound from 50th and Duarte. Male Black, gray sweater, brown pants, approximately 30 years of age, six foot, he’s running westbound through the cut,” at approximately 2121:09 hours. Officer Chessum’s intention of broadcasting was to notify units of their location and that they were involved in a foot pursuit, which was *in a sense*, Code 6 [sic] (**Debrief Point 1 – Updating Status and Additional/Equipment – BWV Activation**).⁴

NOTE: According to the FID investigation, Officers Chessum and Trujillo’s location was south from East 51st Street west of Holmes Avenue. The initial location broadcast by Officer Chessum of Duarte Street and East 50th Street contained streets which do not intersect. Duarte Street is located approximately two and a half blocks west of Holmes Avenue and East 50th Street is located one block north of East 51st Street (**Additional Tactical Debrief Topic – Situational Awareness**).

According to the FID investigation, both officers indicated they were in containment mode during the foot pursuit and their intentions were to keep visual contact of the driver while waiting for additional resources to arrive for a perimeter.

According to Officer Trujillo, he was keeping his eyes on Officer Chessum and was running behind him in an *offset* and *staggered* formation. Officer Trujillo’s general practice was to not run *directly behind* his partner because of the possibility, based on their positioning, a suspect would be then be able to hit both officers in a shooting. Officer Trujillo knew Officer Chessum had visual contact with the driver; therefore, Officer Trujillo maintained visual contact with Officer Chessum, along with an awareness of his surroundings since he was Officer Chessum’s *cover*.

According to the FID investigation, BWV of the incident clearly depicts Chessum running in front of Trujillo while Trujillo was running offset to Chessum. The UOFRB observed each officers position and concurred that an offset position allowed Officer Trujillo the best field of view of fleeing suspect and Officer Chessum as they maintained a containment mode posture.

⁴ The FID investigation identified that Officer Chessum’s broadcast of the foot pursuit, which included the officers’ location, was approximately nine seconds after the silver BMW suddenly stopped.

The FID investigation revealed that the distance between Officers Chessum and Trujillo varied at times between five to ten yards. The distance between the Officer Chessum and the unidentified suspect varied during the foot pursuit between twenty to thirty yards. The driver ran south through the Pueblo Del Rio Housing Development, between Building 8 and 9, then ran in a southwest direction between Buildings 17 and 18, and then continued north along the west side of Building 17. The driver then ran west on East 51st Street toward Long Beach Avenue.

During the UOFRB, it was presented and confirmed by FID, that during one point of the foot pursuit, Officer Chessum was approximately 10 seconds behind the driver. Officer Trujillo was approximately four seconds behind Officer Chessum.

The FID investigation revealed that as Officers Chessum and Trujillo ran in foot pursuit of the driver, an additional suspect, later identified as C. Duff⁵, ran west from Building 11 toward the path of the officers. As the officers ran north in foot pursuit of the driver, they were unaware that they were being tracked by Duff. Duff briefly paused southeast of Building 12 as Officer Chessum passed him. After Officer Chessum unknowingly passed Duff, Duff briefly began running behind Officer Chessum, while holding a handgun down at his right side. Officer Trujillo, who was trailing behind Officer Chessum by approximately four seconds, observed Duff running behind Officer Chessum. Duff then looked south toward Officer Trujillo. Duff then suddenly turned towards Officer Trujillo and began firing his pistol at Officer Trujillo.

According to Officer Trujillo, as he was following Officer Chessum north through the Pueblo Del Rio Housing Development, he observed Duff with *a gun in his hand*, coming *around the corner of a building*. Officer Trujillo observed that Duff's *attention is initially drawn to Officer Chessum's direction*. Officer Trujillo stated that Duff was "behind, tracking my partner" (Officer Chessum). Duff then turned and faced Officer Trujillo *with a gun*. Duff moved his pistol from a *low-ready to on target, both hands on the gun, and pointed it directly at Officer Trujillo*. Officer Trujillo simultaneously unholstered his service pistol as Duff fired his pistol at Officer Trujillo (**Drawing/Exhibiting**).

According to Officer Trujillo, Duff had *both hands on the gun and pointed it directly at Officer Trujillo*. Officer Trujillo saw the *muzzle flash* of Duff's pistol as Duff was firing rounds at him. Officer Trujillo then simultaneously *fired rounds back at him* (Duff). Duff *continued to fire his rounds* as Officer Trujillo discharged his service pistol. Officer Trujillo felt that he *needed to take immediate defense of his life* (**Lethal Use of Force – Volley One**).

According to Officer Trujillo, as Duff was in the process of falling to the ground, Duff continued to fire rounds as he fell, which resulted in Officer Trujillo firing the second volley of rounds. Officer Trujillo stopped firing rounds when he believed that Duff *was no longer a threat* and would not *cause more harm* to him. Officer Trujillo was unsure of the total number of rounds that he fired at Duff, but believed it may have been as many as six rounds (**Lethal Use of Force – Volley Two**).

⁵ The FID investigation determined that Duff was an active member of the Pueblo Bishops Blood criminal street gang with the moniker of "Baby CKO."

NOTE: The FID investigation analyzed surveillance video of the incident. The FID investigation revealed that Duff was the first to discharge his pistol. Officer Trujillo's two volleys were in rapid succession. During Officer Trujillo's first volley, Officer Trujillo discharged rounds in a north, northeast, and easterly direction as he side-stepped in a clockwise direction around Duff. As Duff passed Officer Trujillo and was in the process of falling to the ground, muzzle flash is captured on video emanating from Duff's pistol. After a momentary pause, Officer Trujillo fired a second volley, in a southerly, downward direction at Duff.

Initially, Officer Trujillo believed he had fired all his rounds, "in controlled pairs," in one sequence of fire. Upon reviewing enhanced video from the Pueblo Del Rio Housing Development, Officer Trujillo clarified that he *continued to shoot* until he *no longer perceived a threat*. He observed Duff shoot even as Duff was falling to the ground and clarified he did fire additional rounds as Duff was going to the ground because Duff was still a threat.

The FID investigation revealed that the entire shooting, from the moment Duff fired at Officer Trujillo to Officer Trujillo's last round, was approximately four seconds. Officer Trujillo realized he had been struck by gunfire and immediately began to move north toward where Officer Chessum had continued in pursuit of the unidentified driver of the BMW.

According to Officer Chessum, he heard the *sound of gunshots* which indicated to him that a *gun has been fired* which could cause *serious bodily injury or death*. He believed that his *partner's life, his life, or a community member's life would be in danger of injury or death*. Officer Chessum believed that *the situation might escalate to the point where he might have to use deadly force*. Officer Chessum drew his service pistol (**Drawing/Exhibiting**).

According to the FID investigation, Officer Trujillo advised Officer Chessum that he had been struck by gunfire in the leg. Officer Chessum immediately broadcast a request for two Los Angeles Fire Department (LAFD) Rescue Ambulances (RAs) for Officer Trujillo and Duff.

According to Officer Trujillo, he holstered his service pistol due to his belief that he would lose consciousness from the injuries he sustained and be unable to maintain control of his service pistol. *So as my vision starts to blur, I fear that I was going to pass out so I remember holstering my weapon so I could brace myself for a fall because if I fell and my gun was in my hand, then I was going to lose my gun. I remember losing all vision. And I wasn't able -- I kind of just, I -- I stopped because I couldn't see. I didn't want to lay down. I just -- just was fighting at this point to stay alive and to stay conscious.*

Note: The FID investigation revealed that Officer Trujillo had sustained gunshot wounds to his left chest/shoulder, left upper back, left groin, and left buttock.

According to the FID investigation, Officer Chessum observed Duff lying face down on the ground with the pistol a short distance away from Duff's right hand. To prevent Duff from potentially gaining access to the pistol, Officer Chessum directed Officer Trujillo to handcuff

Duff, not realizing the seriousness of Officer Trujillo injuries (Additional Tactical Debrief Topics – Handcuffing Arrestees).

According to Officer Chessum, he observed that a large crowd began to immediately form after the OIS occurred. The crowd was *aggressive and yelling insults and verbal challenges* toward Officers Chessum and Trujillo. The crowd continued to *advance on* Officers Chessum and Trujillo. Officer Chessum believed that the situation *was possibly going to escalate to the point where deadly force was going to be justified*. A loaded handgun was on the ground next to Duff, along with a group of people that were approaching him and Officer Trujillo. Officer Chessum was also concerned that there may be a person in the group that was *armed*. Officer Chessum drew his service pistol and maintained it at a low-ready, in the direction of the *ground in front of* the crowd or their *lower extremities*. Officer Chessum held his police radio in his left hand and his service pistol in his right hand. Officer Chessum activated his Pistol With Attached Light (PWAL) light.

Officer Chessum holstered his service pistol when he *deemed it to be safe*. When the crowd pushed forward and Officer Chessum felt that the situation may *rise to the point where he might need to use either a warning shot or lethal force*, he drew his service pistol again. Officer Chessum drew and holstered his service pistol approximately two to three times during this period as the crowd continued to close in on him. Officer Chessum continued to direct the crowd to *back up* while waiting to additional units to arrive. **(Drawing/Exhibiting).**

According to the FID investigation, Officers M. Chiu, Serial No. 41009, and S. Martinez, Serial No. 41024, Newton Area, GED, were the first officers to arrive on scene. Officers Chiu and Martinez responded to Officers Chessum and Trujillo's location. As Officers Chiu and Martinez approached Officer Trujillo he collapsed backward onto the pavement. Officers Chiu and Martinez began providing medical aid while a waiting for other units to arrive.

According to Officer Chessum, he used his foot to move Duff's pistol a short distance away into the grass to *limit the accessibility* Duff had to the pistol, as well as *conceal it from the view* of the crowd. Officer Chessum placed his *foot on top of the handgun* to make sure he knew where it was and so that he could *preserve the evidence* in that *immediate area* **(Additional Tactical Debrief Topic-Preservation of Evidence).**

According to the FID investigation, Officer Chessum eventually believed he had enough units to control the crowd and directed officers to move Officer Trujillo to Long Beach Avenue due to the severity of Officer Trujillo's injuries. As Officer Trujillo was being moved to Long Beach Avenue, Sergeant G. Gutierrez, Serial No. 32651, Newton Area GED, arrived on Long Beach Avenue, where he observed the condition of Officer Trujillo. With no RA yet on scene, Sergeant Gutierrez made the decision to have Officer Trujillo transported via police vehicle to the Los Angeles County University of Southern California Medical Center (LAC USCMC) emergency room. Officer C. Guerrero, Serial No. 41997, Newton Patrol Division also arrived on scene, along with several other officers. Officer Guerrero entered into the police vehicle with Officer Trujillo. While enroute to LAC USCMC, Officer Guerrero provided medical aid to Officer

Trujillo.⁶ Sergeant Gutierrez also responded with the officers and advised CD of the estimated time of arrival of the transportation of Officer Trujillo.

According to the FID investigation, Sergeant A. Udeshi, Serial No. 35775, Newton Area, GED, arrived on Long Beach Avenue just prior to Sergeant Gutierrez leaving with Officer Trujillo. Sergeant Udeshi assumed the role of Incident Commander and entered the Pueblo Del Rio Housing Development. He observed that a crowd of approximately 60-80 individuals had formed in the immediate vicinity of the crime scene. He took a leadership role and organized officers into skirmish lines to move the crowd back and away from the crime scene. Officer Chessum advised Sergeant Udeshi that he was standing on top of Duff's pistol at which time Sergeant Udeshi directed Officer Chessum to pick up the pistol due to the hostile crowd being in close proximity to the pistol and that the scene was not secure. Officer Chessum immediately secured Duff's pistol in his right rear pants pocket (**Additional Tactical Debrief Topic-Preservation of Evidence**).

According to the FID investigation, LAFD Firefighters and Paramedics from Engine 21 and RA 21 arrived at scene and were advised that Officer Trujillo had been transported by officers, but that Duff still required medical attention. Officers escorted LAFD personnel into the Pueblo Del Rio Housing Development to provide medical aid to Duff who was suffering from a gunshot wound to the right side of his chest. LAFD personnel quickly assessed Duff's condition and placed him on a gurney. Due to safety concerns with the crowd, Duff was removed from the scene immediately and continued to be treated in the RA.

According to the FID investigation, Police Officer M. Covarrubias, Serial No. 42028, Newton Area GED, accompanied Duff in the RA. While enroute to LAC USCMC, Duff was initially unconscious and was not in handcuffs to allow LAFD personnel the ability to provide medical aid; however, Duff regained consciousness and became verbally and physically uncooperative with LAFD personnel who were attempting to provide medical aid. Duff became aggressive and attempted to pull his arms away and sit up. Officer Covarrubias utilized a firm grip with both hands on Duff's left wrist and handcuffed Duff's left wrist to the gurney. He then handcuffed Duff's right wrist above his head to the gurney without incident. LAFD personnel then utilized soft restraints to secure Duff's ankles to the foot of the gurney and placed a spit mask over Duff's head.

According to Officer Covarrubias, Duff became *violent* and uncooperative with the LAFD personnel. Duff *began moving his arms around, not allowing the paramedics to do their job*. In order to prevent Duff from *taking out an IV or a patch on his gunshot wound*, Officer Covarrubias decided to *take control of his (Duff's) hands and place him (Duff) in the handcuffs*. Officer Covarrubias handcuffed Duff to the gurney so that Duff would have *less room to swing his arms around* (**Non-lethal Use of Force and Additional/Equipment - Profanity**).

⁶ At the time of this incident, Officer Guerrero had been a California State Licensed Paramedic for approximately eight years and was currently licensed.

Note: LAFD Paramedics Needham and Franklin, as well as LAFD Firefighter Friemoth, assisted with controlling Duff so he could be handcuffed by Officer Covarrubias.

According to the FID investigation, due to the size of the crowd, it took several minutes to establish control of the crime scene. Sergeant Udeshi estimated it took approximately fifteen minutes after he responded to gain control of the area. Once the crime scene was secured, Sergeant Udeshi identified Officer Chessum as being involved in the use of force incident. Sergeant Udeshi immediately separated Officer Chessum and ordered him not to speak to anyone regarding the incident. Sergeant Udeshi then took Officer Chessum's Public Safety Statement (PSS) and directed Officer Chessum to place Duff's pistol in the trunk of Sergeant Udeshi's police vehicle, where it was recovered later by Department criminalists.

Note: There were four instances of officers utilizing minor pushes to move the crowd back during a coordinated crowd management formation which were documented on an Incident Command System (ICS) Form 2.14 by Newton Area (**Additional/Equipment – Watch Commander's Daily Report**).

The Los Angeles County Deputy District Attorney filed one count of Attempted Murder of a Police Officer and one count of Possession of a Firearm by a Prohibited Person. A warrant was issued for Duff's arrest and he was absentee booked later that same day.

FINDINGS

Tactics – Tactical Debrief, Officers Chessum, Trujillo, and Covarrubias.

Drawing/Exhibiting – In Policy, No Further Action, Officers Chessum and Trujillo.

Non-Lethal Use of Force – In Policy, No Further Action, Officer Covarrubias.

Lethal Use of Force – In Policy, No Further Action, Officer Trujillo.

ANALYSIS⁷

Detention

Officers Chessum and Trujillo were in dressed in full uniform driving a hybrid black and white police vehicle and conducting crime suppression in the area of East 52nd Street and Holmes Avenue. They observed a vehicle commit traffic violations of CVC 22350 (Unsafe Speed) and CVC 22450 (Failure to Stop for Posted Sign). The officers attempted to conduct a license plate query prior to conducting their traffic stop for the aforementioned traffic violations. The vehicle stopped prior to the officers receiving a response to their license plate query and the driver exited the vehicle. As Officers Chessum and Trujillo exited their police vehicle, Officer Chessum

⁷ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

observed the driver with a bulge and something dark in this waistband and Officer Trujillo observed the driver with his right hand near his waistband. Both officers believed the driver was concealing a handgun. The driver fled south as the officers followed and broadcast they were in foot pursuit of a man with a gun. The officers continued to follow the driver west and then north through the Pueblo Del Rio Public Housing Development. Another individual later identified as Duff, monitored the movement of the officers as they began their foot pursuit of the driver, moved into position resulting in an ambush situation. Duff produced a pistol as Officer Chessum ran past him, then pointed the pistol at Officer Trujillo and began firing. An OIS then occurred. The officers' actions were appropriate and within Department standards.

TACTICS

Department policy relative to Tactical Debriefs is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance"* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.

Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication*

(Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

In this case, Officers Chessum and Trujillo were conducting crime suppression and observed a vehicle commit two traffic violations. As they attempted to conduct a license plate query prior to

conducting a traffic stop, the driver stopped the vehicle and fled. The officers observed the driver flee while possibly concealing a handgun in his waistband. Officer Chessum broadcast they were in foot pursuit of the driver and were updating their location periodically. As the officers continued to pursue the driver, another individual, Duff, who had observed the officers, produced a pistol and fired at Officer Trujillo at close range. Officer Trujillo reacted to the threat presented with immediacy by Duff and subsequently returned fire, resulting in an OIS.

Planning – Officers Chessum and Trujillo had previously worked together five times prior to this incident. Though Officer Trujillo had only been assigned to Newton GED for six days, both Officers Chessum and Trujillo had discussed tactics prior to the day of the incident and also on the day of the incident. Their discussions included the topic of foot pursuits, specifically, the importance of broadcasting their location, not separating, and knowing when to disengage a foot pursuit. Additionally, Officers Chessum and Trujillo discussed the concept of apprehension verses containment with regards to pursuing an armed suspect. Their goal was to contain an armed suspect, request additional resources, and establish a perimeter instead of attempting to apprehend the suspect on their own. In the short time the officers worked together, Officers Chessum and Trujillo covered the different aspects of foot pursuits and had established a general plan to implement were they to be involved in a foot pursuit with an armed suspect. During the foot pursuit of the driver, Officers Chessum and Trujillo remained with their plan, following the driver in a manner which was consistent with containment mode.

Assessment – Officers Chessum and Trujillo first assessed the incident and observed the silver BMW driving at approximately 45 miles per hour west on East 52nd Street in violation of CVC 22350 (Unsafe Speed). As the officers attempted to close the distance and conduct a license plate query prior to conducting a traffic stop, they observed the vehicle fail to stop at a posted stop sign in violation of CVC 22450 (Failure to Stop for Posted Sign). While waiting for their license plate inquiry to return, the driver suddenly stopped his vehicle, at which time the officers activated their forward-facing red light and observed the driver exit with what appeared to be a handgun in his waistband.

Officer Chessum immediately broadcast they were in foot pursuit of a, “man with a gun”, as well as their location. During the foot pursuit, the officers continuously assessed the movements and direction of travel of the driver, including broadcasting the information via hand-held radio. The officers maintained their distance from the driver, did not have their weapons out as they followed him, and kept visual of the driver as they pursued him in containment mode.

As officer continued north behind the driver, Duff produced a handgun and fired at Officer Trujillo, rapidly escalating the encounter. Officer Trujillo immediately reacted to the deadly threat and was involved in an OIS. Once Duff was no longer a threat, Officer Trujillo ceased firing his service pistol. Officer Chessum responded to the OIS and took over control of the incident. Officer Chessum assessed the incident, determined that Duff needed to be taken into custody, and also assessed that a crowd began to form. Responding officers assessed the incident and determined Officer Trujillo was severely injured. Officers Chiu, Martinez, and Guerrero, provided emergency medical aid to Officer Trujillo Sergeant Gutierrez directed

Officer Trujillo to be transported to a medical center. Sergeant Udeshi continued to assess the incident and organized officers to maintain crowd management at the location.

Time – Officers Chessum and Trujillo were faced with a dynamic incident where the driver ran from them. As the officers engaged in foot pursuit, the driver fled between multiple buildings where the lighting was poor. The officers believed the driver was possibly armed with a handgun and kept distance between the driver and themselves, while requesting additional resources for a perimeter. As Officers Chessum and Trujillo continued to maintain visual contact and monitor the actions of the driver, Duff produced a handgun, and began to fire at Officer Trujillo. Duff escalated the incident suddenly and without warning. Duff's actions did not afford the officers any additional time to respond to his deadly actions, which reduced their ability to respond, and significantly limited their tactical options.

Redeployment and/or Containment – As the officers were waiting for their license plate query prior to conducting a traffic stop, the driver suddenly stopped his vehicle and ran from the location holding his waistband. Due to officers observing the driver possibly armed with a handgun and the sudden escalation of the driver's actions in fleeing, the officers had a limited opportunity to utilize other options and initiated a foot pursuit after the driver. Officer Chessum utilized his hand-held radio to broadcast the foot pursuit and location where responding units could establish containment of the driver. As the officers continued in foot pursuit of the driver, maintaining their distance while keeping a visual of the driver, they were suddenly confronted by Duff causing them to immediately react to the unexpected and unforeseen threat. Duff's actions did not allow for containment to be established or for the officers to continue in foot pursuit of the initial driver.

Other Resources – Due to the sudden escalation of the incident by the driver as he ran from the officers, the first broadcast from the officers for additional resources was Officer Chessum's broadcast that they were in foot pursuit of a man with a gun. Once the OIS occurred and both Officer Trujillo and Duff were struck by gunfire, Officer Chessum requested two RAs as well as a tourniquet for Officer Trujillo. Additionally, Officer Chessum requested additional units for a perimeter for the outstanding driver, as well as a large crowd that had formed in the area of the OIS. The additional officers who responded to the location worked in cooperation, and under the leadership of Sergeant Udeshi, to assist with an officer rescue of Officer Trujillo, as well as forming skirmish lines to maintain control of the crime scene.

Lines of Communication – Officers Chessum and Trujillo initially opened lines of communication between each other when they communicated their observations of the silver BMW speeding east on East 52nd St, as well as their intention to stop the vehicle for the aforementioned violation. Officer Chessum broadcast they were in foot pursuit of a man with a gun after the driver ran from the vehicle. After the OIS, Officer Trujillo advised Officer Chessum that he had been involved in a shooting and had been struck in the leg. Officer Chessum broadcast "shots fired" and requested RAs for both Officer Trujillo and Duff. Additionally, Officer Chessum directed the advancing crowd to stay back while directing Officer Trujillo to handcuff Duff, not knowing the severity of Officer Trujillo's injuries.

The UOFRB determined, and I concur, that Officers Chessum and Trujillo attempted to contain the driver and de-escalate the incident; however, the aggressive and lethal actions of Duff without contact or provocation firing his pistol while ambushing the officers provided the officers extremely limited time and rapidly forced them to react to the immediate lethal threat presented to them.

The UOFRB also determined, and I concur, that Sergeants Gutierrez and Udeshi, along with Officers Chiu, Martinez, and Guerrero also utilized aspects of de-escalation and PATROL to resolve this incident.

During a review of the incident, the following Debriefing topics noted:

Debriefing Point No. 1 Updating Status

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances, which will make the unit unavailable for assignment to a priority call.

These circumstances may include.

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a back-up, assistance, or help location.*

***Note:** The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Chessum and Trujillo did not update their status or generate a new Code Six location when they completed their unrelated traffic stop and began following the silver BMW after seeing the traffic violation.

In this case, Officers Chessum and Trujillo had to catch up with the silver BMW in order to conduct a license plate query. As they were awaiting the results of that query, the driver suddenly stopped his vehicle and fled. The officers, reacting to the driver's actions, activated their forward-facing red light and observed that the driver may have been armed with what they believed to be a gun in his waistband. Officers Chessum and Trujillo went in foot pursuit of the driver. Officer Chessum broadcast they were in foot pursuit of a man with a gun at Duarte Street and East 50th Street approximately nine seconds after the driver suddenly stopped his vehicle.

The UOFRB determined, and I concur, that in this circumstance, the officers' actions were not a substantial deviation from approved Department tactical training. Officer Chessum's broadcast of a foot pursuit included the officers' location and the nature of their activities. The broadcast

was not unreasonably delayed and was appropriate for the rapidly escalating tactical situation. However, in an effort to enhance future tactical performance, I will direct this topic be discussed during the Tactical Debrief.

Additional Tactical Debrief Topics

Clearing Vehicles – The FID investigation revealed that Officers Chessum and Trujillo ran past the silver BMW while in foot pursuit of the driver. The officers conducted a visual clearance of the vehicle. Officer Trujillo stated he observed the “dome lights” was illuminated and was able to definitively determine there were no additional occupants in the vehicle. Officer Chessum stated he believed that there were no other occupants in the vehicle, but was not positive there was no one inside the vehicle. In response to the sudden and rapid nature in which the driver stopped his vehicle and fled, the officers conducted a rapid clearance of the vehicle in order to maintain visual contact of the driver. However, officers are reminded of the importance of systematically and thoroughly clearing a vehicle, as well as the possible dangers of additional suspects concealing themselves within vehicles. I will direct this be a topic of discussion during the Tactical Debrief.

Situational Awareness – The FID investigation revealed Officer Chessum broadcast that he and Officer Trujillo were in foot pursuit of a man with a gun at “50th and Duarte.” The officers’ actual location was East 51st Street, west of Holmes Avenue. During the foot pursuit, Officer Chessum continued to update the officers’ location and stated the driver is running “westbound through the cut” and then followed up with an additional broadcast that the driver is “northbound, now westbound, he’s in the alleyway, he’s running westbound towards Long Beach from 51.” While it is understandable that due to the dynamic and rapid escalation of the incident by the driver stopping his vehicle and running, Officer Chessum broadcast streets which were in the general vicinity to their location, but not their precise location. Officers are reminded that knowing a more precise location and broadcasting that information allows additional resources to be able to respond without delay to any incident that may escalate to where additional units are necessary. I will direct this be a topic of discussion during the Tactical Debrief.

Handcuffing Arrestees – The FID investigation revealed that after the OIS, Officer Chessum advised Officer Trujillo to handcuff Duff who appeared to be unconscious, as Officer Chessum was dealing with the large crowd that had begun to form. However, due to his injuries, Officer Trujillo was unable to do so and collapsed onto the ground. Additional responding officers either assisted Officer Trujillo or formed skirmish lines to move the crowd back away from the crime scene. Duff was unconscious until he was being transported by RA to the medical center, at which time he became confrontational and began to be physically resist being detained. Officer Covarrubias placed Duff into handcuffs. While it is reasonable that, considering the extraordinary nature of this incident in which Officer Trujillo was struck multiple times by gunfire and a large crowd began to press forward towards the crime scene, officers are reminded of the importance of officer safety and handcuffing suspects in order to maintain control of their hands and reduce their ability to re-arm themselves or commit a physical assault. I will direct that this be a topic of discussion during the Tactical Debrief.

Preservation of Evidence – The investigation revealed that as Officer Chessum waited for additional units to respond he kicked Duff's pistol a short distance into the grass in order to prevent Duff from re-arming himself and to conceal it from the large aggressive crowd that began to form in front of him. After kicking the pistol to the grass, he placed his foot on top of it to maintain control as the crowd continually pushed forward and were in close proximity to him. Upon the arrival of Sergeant Udeshi, Officer Chessum advised him that he *was standing on the suspect's gun*. Sergeant Udeshi directed Officer Chessum to pick up the pistol and secured it in his right rear pants pocket. In this circumstance, it is understandable that Officer Chessum was directed to recover Duff's pistol due to the crime scene not being secured at the time and the large aggressive crowd assembling in the immediate vicinity. However, officers are reminded that whenever tactically feasible, it is preferable to have an uninvolved officer guard evidence and leave it undisturbed until FID investigators can properly document and preserve the scene. If evidence must be moved, officers should don appropriate personal protective equipment, such as latex gloves, to minimize altering or contaminating the evidence. I will direct that this be a topic of discussion during the Tactical Debrief.

COMMAND AND CONTROL

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

The investigation revealed that Sergeant Gutierrez arrived at scene and declared himself the Incident Commander (IC). He observed officers carrying Officer Trujillo out of Long Beach Avenue and requested an update for the estimated time for arrival for the RA. He observed that Officer Trujillo appeared pale and unresponsive. Sergeant Gutierrez made the decision to transport Officer Trujillo to the hospital using a black and white police vehicle.

The UOFRB noted Sergeant Gutierrez's quick decision to transport Officer Trujillo, instead of waiting for the RA, demonstrated his leadership and ability to assess the situation under difficult circumstances.

Note: According to Sergeant Gutierrez, he spoke to Doctor K. Inaba at LAC USCMC who informed him that the decision to transport Officer Trujillo saved Officer Trujillo's life and that Doctor Inaba believed that had transportation been delayed, Officer Trujillo would have gone into cardiac arrest and not survived his injuries.

Sergeant Udeshi arrived at scene and observed Sergeant Gutierrez leave with Officer Trujillo. Sergeant Udeshi assumed the role of Incident Commander as he entered the Pueblo Del Rio Housing Development. He observed approximately 60 to 80 people in the area and ordered officers to form skirmish lines to move the crowd back away from the immediate vicinity of the crime scene and from Duff who was laying on the ground. Sergeant Udeshi's attention was initially focused on controlling the tactical incident. Sergeant Udeshi believed it was approximately 15 minutes after he initially arrived that he was able to obtain a PSS from Officer Chessum. Sergeant Udeshi then admonished and separated and monitored Officer Chessum. The UOFRB noted that Sergeant Udeshi immediately took on the role of IC and took charge of the rapidly escalating scene. Sergeant Udeshi's actions demonstrated active leadership, and he displayed a calm and composed demeanor. Sergeant Udeshi utilized assessment, planning, additional resources and communication to effectively manage an ongoing dynamic tactical incident.

Sergeant Gutierrez and Sergeant Udeshi's actions were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident. Officer Chessum's actions during this incident demonstrated active leadership. The UOFRB noted that despite being involved in the extraordinary circumstances of an OIS, assisting a critically injured officer in close proximity of the suspect, and the gathering of a large belligerent crowd, Officer Chessum maintained his composure, utilized his command presence to keep the crowd back, provided pertinent information to responding resources, safeguarded evidence, and directed others to begin an officer rescue for Officer Trujillo. Considering the different challenging tasks Officer Chessum took on, he calmly and effectively managed an ongoing and dynamic tactical incident.

Officers Chiu and Guerrero's actions during this incident also demonstrated active leadership. The UOFRB noted they were calm and composed and immediately provided medical aid to Officer Trujillo. Officer Chiu placed a Hobble Restraint Device as an improvised tourniquet to Officer Trujillo's left leg in order to prevent further blood loss. Officer Guerrero continued to speak to Officer Trujillo, to not only keep him conscious, but to reassure Officer Trujillo and comfort him. Officer Guerrero accompanied Officer Trujillo in the back seat of the police vehicle as they were being transported to the medical center and utilized his own personal medical kit, initiating an intravenous line. Both Officers Chiu and Guerrero were patient and utilized effective communication throughout the incident.

Officers Chessum, Chiu, and Guerrero's actions were consistent with Department training and met my expectations of senior officers during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers Chessum, Trujillo, and Covarrubias' tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Sergeants Gutierrez and Udeshi, and Officers Chiu and Guerrero, would not receive formal findings, I believe that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, I will direct that Sergeants Gutierrez and Udeshi, and Officers Chessum, Trujillo, Covarrubias, Chiu, and Guerrero attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Radio and Tactical Communication (including Code Six);
- Tactical Planning;
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On May 8, 2019, Officer Chessum attended a GTU. All mandatory topics were covered, including the Force Option Simulator (FOS). Officer Trujillo had not returned to work and was still recovering from his injuries; therefore, Officer Trujillo did not attend a GTU.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).

Officer Chessum

Officer Chessum heard the sound of gunshots which indicated to him that a gun has been fired which could cause serious bodily injury or death. He believed that Officer Trujillo's, his life, or a community member's life would be in danger of injury or death. Officer Chessum believed that the situation might escalate to the point where he might have to use deadly force. Officer Chessum drew his service pistol.

Officer Chessum recalled,

The sound of gunshots would indicate -- well, gunfire causes serious bodily injury or death. And the sound of gunshots would indicate that a gun has been fired. And at that point in time, I -- I believed that either my partner's life, my life, or a community member's life would be in danger of injury or death. And believing that the situation might escalate to the point where I might have to use deadly force, I unholstered my firearm.⁸

The crowd continued to advance on Officers Chessum and Trujillo. Officer Chessum believed that the situation was possibly going to escalate to the point where deadly force was going to be justified. A loaded handgun was on the ground next to Duff, along with a group of people that were approaching him and Officer Trujillo. Officer Chessum was also concerned that there may be a person in the group who was armed. Officer Chessum drew his service pistol and initially used the light on his pistol to illuminate the crowd before he held it a low-ready, in the direction of the ground in front of the crowd toward their lower extremities. Officer Chessum holstered his service pistol when he deemed it to be safe. When the crowd pushed forward and Officer Chessum felt that the situation may rise to the point where he might need to use either a warning shot or lethal force, he drew his service pistol again. Officer Chessum drew and holstered his service pistol approximately two to three times during this period as the crowd continued to close in on him as he waited for additional units.

Officer Chessum recalled,

The crowd continued to advance on us. At which point I believe that the tactical situation that we were involved in was going to possibly going to escalate to the point where deadly force was going to be justified, and I unholstered my firearm, my service duty weapon. I -- I did this as there was a -- a load -- a loaded handgun on the ground next to the suspect. There was a group of people that were approaching us. I did not know if any other persons in this group were armed.⁹

I was unable to use my flashlight. I used my light that -- my tactical light that attached to my firearm as well as -- as they're approaching, I had it at low ready in case deadly force was going to be necessary in that instance. Once again, I did this with the intent to de-escalate

⁸ Officer Chessum, Page 50, Lines 9-18.

⁹ Officer Chessum, Page 28, Lines 1-9.

the situation and it appeared to be effective against the approaching crowd when I gave them direct commands. And I displayed the firearm at a low ready that was more or less in the direction of their either lower extremities or the ground in front of them.¹⁰

More additional units began to arrive giving me the ability to -- throughout the situation several times I'd holstered my firearm when I deemed it to be safe. I did not want to escalate the situation more than needed, as I know it causes citizens kind of undue anxiety at times. So I had holstered it and for my own safety it's not good to always have a -- just a firearm in your hand. It's not always the best option. And I would unholster it when I felt that once again that it might rise to the point where I might need to use either a warning shot or a lethal force.¹¹

Officer Trujillo

According to Officer Trujillo, as he was following Officer Chessum north through the Pueblo Del Rio Housing Development, he observed Duff with a gun in his hand, coming around the corner of a building. Officer Trujillo observed that Duff's attention was initially drawn to Officer Chessum's direction as Duff tracked Officer Chessum. Duff then turned and faced Officer Trujillo, armed with a gun. Duff moved his pistol from a low-ready to on target, both hands on the gun, and pointed it directly at Officer Trujillo. Officer Trujillo simultaneously unholstered his service pistol, as Duff turned toward Officer Trujillo and fired his pistol at Officer Trujillo.

Officer Trujillo recalled,

...I observed a second suspect, which had no relation to the traffic stop. Never seen him before. Didn't know who he was. He comes around the corner of a building, and I can see he has a gun in his hand. And his attention is initially drawn to my partner's direction, and he's also behind, tracking my partner, it's within maybe a second that he turns, faces me, and he immediately fires a round at me. I -- once I see the first round, I can see the muzzle flash, and I saw the gun, I immediately drew my firearm and fired.¹²

I unholster simultaneously as his attention focused towards me. So right as he's turning and facing me with a gun.¹³

He went from what we would refer to as a low-ready to on target, both hands on the gun, and pointed it directly at me.¹⁴

¹⁰ Officer Chessum, Page 29, Lines 10-20

¹¹ Officer Chessum, Page 30-31, Lines 23-25 and 1-3.

¹² Officer Trujillo, Page 10, Lines 5-16.

¹³ Officer Trujillo, Page 47, Lines 2-4.

¹⁴ Officer Trujillo, Page 47, Lines 7-9.

Yes, because we were both running at the same, per se, so I remember I was unholstering while almost simultaneously moving as well.¹⁵

Yes. He, the suspect with the gunshot first. At that point, I began to unholster. So there's possibly more shots that he fired. And then that's when I began to fire, so I was -- I was late because I had to draw my gun from my holster.¹⁶

In this case, the UOFRB conducted a thorough review and evaluation of the reasonableness of Officer Chessum's Drawing/Exhibiting. The UOFRB noted that Officer Chessum initially drew his service pistol upon hearing gunfire. Officer Chessum was fearful for not only the safety of himself and Officer Trujillo, but the community as well.

Officer Chessum again drew his service pistol when the crowd pushed forward towards him and Officer Trujillo, making him fearful for their safety. He ordered the crowd to stay back and utilized his tactical light to illuminate the crowd to see if there were any individuals armed with weapons. Officer Chessum was concerned that the crowd may also contain a person who was armed. He also noted that there was a loaded pistol in close proximity to Duff. The UOFRB noted that Officer Chessum was initially the only officer at scene who could protect them, as Officer Trujillo was severely injured. Officer Chessum drew his service pistol approximately two additional times for the same circumstances.

In this case, the UOFRB conducted a thorough review and evaluation of the reasonableness of Officer Trujillo's Drawing/Exhibiting. The UOFRB noted that Officer Trujillo observed Duff holding a pistol in his hand following Officer Chessum from behind. As Officer Trujillo continued following Officer Chessum, Duff suddenly turned, raised his pistol at Officer Trujillo, and began firing at Officer Trujillo from a distance from approximately ten feet. Officer Trujillo in fear for his life, immediately drew his service pistol to defend himself.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Chessum and Trujillo, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Chessum's and Trujillo's Drawing/Exhibiting to be In Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*

¹⁵ Officer Trujillo, Page 49-50, Lines 25 and 1-2.

¹⁶ Officer Trujillo, Page 51, Lines 2-6.

- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Non-Lethal Use of Force¹⁷

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

¹⁷ Los Angeles Police Department Manual, Volume 1, Section 556.10.

Officer Covarrubias – Firm Grip

Officer Covarrubias escorted Duff in the RA. While enroute to LAC USCMC, Duff appeared to be unconscious and was not in handcuffs to allow LAFD personnel the ability to provide medical aid; however, Duff regained consciousness and became verbally and physically uncooperative with LAFD personnel who were attempting to provide medical aid. Duff became violent and uncooperative with the LAFD personnel. Duff became aggressive and attempted to pull his arms away and sit up. In order to prevent Duff from taking out an IV or a patch on his gunshot wound, Officer Covarrubias decided to take control of Duff's hands and place Duff in the handcuffs. Officer Covarrubias utilized a firm grip with both hands on Duff's left wrist and handcuffed Duff's left wrist to the gurney. He then handcuffed Duff's right wrist above his head to the gurney without incident. Officer Covarrubias handcuffed Duff to the gurney so that Duff would have less room to swing his arms around. LAFD personnel then utilized soft restraints to secure Duff's ankles to the foot of the gurney and placed a spit mask over Duff's head.

Note: LAFD Paramedics Needham and Franklin, as well as LAFD Firefighter Friemoth, assisted with controlling Duff and allowing him to be handcuffed by Officer Covarrubias.

Officer Covarrubias recalled,

...The suspect became violent and began moving his arms around, not allowing -- the -- the paramedics to do their job and -- attempt to assist this individual in whatever medical needs he needed.¹⁸

This person is -- it appears that he wants to be, you know, uncooperative with what we're doing, so we -- we eventually have to grab his hands and -- and -- and hold his hands to avoid him, you know, taking out a -- an IV or -- or -- or a patch on his -- on his gunshot wound or anything like that... At which point, we -- we have to take control of his hands and place him in the handcuffs and handcuff him to the gurney so that he has less room to -- to swing his arms around and to, you know, to allow them to do their job.¹⁹

The UOFRB reviewed the non-lethal force utilized by Officers Covarrubias. Officer Covarrubias was directed by Sergeant Udeshi to accompany Duff in the RA to the medical center. LAFD personnel were in the process of providing medical treatment to Duff. When Officer Covarrubias first observed Duff, Duff appeared to be unconscious and, although Duff was detained, was not handcuffed. Duff abruptly regained consciousness and became verbally and physically uncooperative. He cursed at Officer Covarrubias and LAFD personnel and stated, "Pueblo Bishops" and "Baby CKO," referring to a gang and his self-identification. Duff then began to physically resist LAFD personnel as they attempted to continue their medical treatment. Officer Covarrubias assisted LAFD personnel in restraining Duff and utilized a two-handed firm grip to control Duff's left wrist. Officer Covarrubias then handcuffed Duff's left wrist to the gurney. Officer Covarrubias was able to handcuff Duff's right hand above Duff's head to the

¹⁸ Officer Covarrubias, Page 12, Lines 17-21.

¹⁹ Officer Covarrubias, Page 13, Lines 1-6; Page 11, Lines 11-15.

gurney without any additional force. Officer Covarrubias used a minimum level of force to overcome Duff's resistance and to maintain control of Duff, who was being detained.

The UOFRB noted that when Officer Covarrubias first saw Duff in the RA he appeared to be unconscious and was not handcuffed. The UOFRB would have preferred Duff was handcuffed upon the arrival of additional units, but noted that the scene was extremely chaotic due to the injuries to Officer Trujillo, as well as the crowd which was in close proximity to the crime scene.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Covarrubias, while faced with similar circumstances, would believe that the same application of non-lethal force would be reasonable to overcome Duff's resistance and to maintain Duff's detention.

Therefore, I find Officer Covarrubias's Non-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Trujillo - .45 caliber, six to seven rounds, in two volleys of fire, from an approximate decreasing distance from ten to two feet.²⁰

Note: The FID investigation was unable to determine if Officer Trujillo fired a total of six or seven rounds.

²⁰ Officer Trujillo's service pistol when recovered contained seven rounds of Department-approved ammunition in the magazine. Magazine capacity is 13 rounds. A single round in the chamber. Six discharged cartridge cases were recovered at scene that were attributed to Officer Trujillo's pistol. The potential seventh casing was not located. The investigation was unable to determine if Officer Trujillo fired six or seven rounds.

According to Officer Trujillo, he estimated that during the discharging of his service pistol, he estimated the distance between him and Duff to be from approximately 10 feet to four feet.

Volley One – North, northeast, and easterly direction.

According to Officer Trujillo, Duff had both hands on the gun and pointed it directly at Officer Trujillo. Officer Trujillo saw the muzzle flash of Duff's pistol as Duff was firing rounds at him. Officer Trujillo immediately fired rounds back at Duff. Duff continued to fire his rounds as Officer Trujillo discharged his service pistol. Officer Trujillo felt that he needed to take immediate defense of his life.

Officer Trujillo recalled,

Okay. Well, the moment I first saw him, it's his -- it seemed like his attention was on my partner, almost like if he was tracking him to try and shoot him in the back just because the way he was posturing and walking behind him, or running behind him was indicative of he was going to shoot my partner in the back.²¹

Yes, because I was already running, I -- it was within maybe all within a second when I observed him looking at my partner. I'm already running in that direction. He notices me. And I remember him turning towards me and pointing the gun at me and seeing the muzzle flash.²²

He went from what we would refer to as a low-ready to on target, both hands on the gun, and pointed it directly at me. At that time, I feared that he was going to shoot me.²³

I believe my rounds were fired simultaneously at the -- at the suspect. He continued to fire his rounds as I fired my rounds.²⁴

At one point, he stopped firing, and -- but his gun was still in his hand as he's going down to the ground.²⁵

Yeah. It's -- the way I recall it is when he actually turned and fire -- shot at me was both hands on the gun. His -- I believe he's -- he had like a, almost like a low stance, kind of like his -- his knees were bent, and he was actually almost like even, leaned forward, and his arms were fully extended out.²⁶

²¹ Officer Trujillo, Page 46, Lines 2-8.

²² Officer Trujillo, Page 46, Lines 19-24.

²³ Officer Trujillo, Page 47, Lines 7-9 and 12-13.

²⁴ Officer Trujillo, Page 51-52, Lines 10-11, 25 and 1

²⁵ Officer Trujillo, Page 52, Lines 4-6.

²⁶ Officer Trujillo, Page 65, Lines 2-8.

I mean, everything happened in less than maybe a second. By the time I observed him, he observed me, he turned and pointed the gun at me, there was -- it was not feasible to give any type of command. It was -- he escalated it. The suspect's actions escalated it to the point where I needed to take immediate defense of my life, and I needed to unholster and fire -- fire rounds back at him.²⁷

Note: Initially, Officer Trujillo believed he had fired all his rounds, "in controlled pairs," in one sequence of fire. Upon reviewing enhanced video from the Pueblo Del Rio Housing Development, Officer Trujillo clarified that he *continued to shoot* until he *no longer perceived a threat*. He observed Duff shoot even as Duff was falling to the ground and clarified he did fire additional rounds as Duff was going to the ground because Duff was still a threat.

Volley Two – Southerly, downward direction.

As Duff was in the process of falling to the ground, Duff continued to fire rounds at Officer Trujillo, which resulted in Officer Trujillo firing the second volley of rounds. Officer Trujillo stopped firing rounds when he believed that Duff was no longer a threat and would not cause more harm to him. Officer Trujillo was unsure of the total number of rounds that he fired at Duff, but believed it may have been as many as six rounds.

Officer Trujillo recalled,

You know, the suspect shot first. And I continued. Once I unholstered it and I shot, I continued to shoot until I didn't -- I no longer perceived a threat there, the suspect to be a threat. And watching the video, I see that even as he's falling to the ground, he still fires one shot, and the video shows the muzzle flash from him still going, firing that round as he's going down to the ground, so he's still fighting. Even as he shot and falling to the ground, he's still fighting, trying to shoot.²⁸

...what I recall is still consistent with me shooting at what I believe to still be a threat and him still firing a gun.²⁹

...the way I recall it, I thought everything was just continuous. Like there was no pause.³⁰

Note: The investigation revealed that the total time for Volley One and Volley two combined was approximately four seconds.

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Trujillo's use of lethal force and considered the details of the officers' encounter with the unidentified driver they were in foot pursuit of prior to the encounter with Duff. The UOFRB

²⁷ Officer Trujillo, Pages 66-67, Lines 18-25 and 1-4.

²⁸ Officer Trujillo, Page 79, Lines 9-19.

²⁹ Officer Trujillo, Pages 79-80, Lines 24-25 and Line 1.

³⁰ Officer Trujillo, Page 81, Lines 7-9.

noted that the officers were in foot pursuit of a separate driver and did not perceive the movements or actions of Duff until he ambushed them.

Duff moved to a position of advantage as Officer Chessum and Trujillo were in foot pursuit of the driver and appeared to wait for Officer Chessum to pass Duff. Duff appeared to be following behind Officer Chessum with a handgun in his hand when his attention focused on Officer Trujillo who was trailing behind. Officer Trujillo observed Duff armed with a pistol. Officer Trujillo assessed the situation as a potentially lethal force situation and had started to draw his service pistol as Duff suddenly and without warning, turned and fired multiple times at Officer Trujillo. Officer Trujillo, in response to the sudden lethal threat that appeared in front of him, fired between six and seven rounds from a two-handed position at a decreasing distance of ten to two feet. Officer Trujillo ceased firing after he assessed that Duff had fallen to the ground and no longer posed a deadly threat.

The UOFRB noted that although Officer Trujillo used lethal force to defend his life, he also demonstrated composure even after he had been struck by gunfire when he assessed the situation and re-holstered his service pistol so he would not lose control of it and potentially endanger community members by having the firearm unsecured and accessible.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Trujillo, would reasonably believe Duff's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Trujillo's Use of Lethal Force to be In Policy, No Further Action.

Additional/Equipment

BWV Activation – The investigation revealed that during the incident, Officer Chessum's BWV was activated late. Officer Chessum stated he activated his BWV after he heard the gunfire and broadcasts "shots fired." He advised he was unable to activate his BWV when initiating his foot pursuit of the suspect due to the sudden nature with which the suspect stopped his vehicle and fled. This issue was brought to the attention of Captain H. Mohammadi, Serial No. 36506, Commanding Officer, Newton Patrol Division, who addressed this issue through divisional training as well as the generation of a Supervisory Action Item (SAI). The Commanding Officer of Operations - Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Watch Commander's Daily Report – The investigation revealed that the Watch Commander's Daily Report, completed by Lieutenant D. Garland, Serial No. 33329, Newtown Patrol Division, contained minor deviations regarding notifications and documentation. The Categorical UOF Box was not checked and additionally, the names of all the supervisors who monitored Officer Chessum, along with the corresponding times, were not fully documented. This issue was brought to the attention of Captain Mohammadi, who addressed this issue through divisional training, which was entered into the Learning Management System (LMS) as well as the

generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Profanity – The investigation revealed Duff became verbally and physically uncooperative with LAFD personnel while being transported to the hospital in the RA. Officer Covarrubias, who was accompanying Duff in the RA, utilized profanity while ordering Duff to cease his actions. This issue was brought to the attention of Captain Mohammadi, who addressed this issue through divisional counseling, as well as the generation of a SAI. The Commanding Officer of OCB the Director of the OO concurred with this action. As such, I deem no further action is necessary.

Audio/Video Recordings

Outside Video – Surveillance cameras from the Pueblo Del Rio Housing Development captured various portions of the encounter. Several videos, which were recorded without sound, depicts the silver BMW being followed by the officers in their police vehicle, the foot pursuit of the driver, and Duff moving into a position to confront Officer Trujillo. A video also depicts Duff firing the first round and Officer Trujillo and Duff exchanging gunfire. The formation of a crowd and the actions of responding officers can also be seen.

Digital In-Car Video System (DICVS) – Officers Trujillo and Chessum's DICVS captured them following the silver BMW and the start of the foot pursuit. Additional police vehicles equipped with DICVS responded to the "Officer Needs Help Call." None of these videos captured the OIS.

Body Worn Video (BWV) – Officer Trujillo's BWV captured the foot pursuit and the OIS.

Officer Chessum's BWV captured the foot pursuit and the events immediately after the OIS. Officers Chiu and Martinez' BWVs captured their arrival as the first backup unit, their contact with Officer Trujillo, and application of the HRD around Officer Trujillo's leg.

Officer Guerrero's BWV captured the care he provided to Officer Trujillo while being transported to the hospital.

Officer Covarrubias' BWV captured the transportation of Duff to the hospital in the RA. Sergeant Gutierrez' BWV captured him initially declaring himself Incident Commander and the decision to transport Officer Trujillo in a police vehicle.

Sergeant Udeshi's BWV captured his actions as the Incident Commander, including the establishment of skirmish lines, securing of the scene, and his contact with Officer Chessum.

Approximately 401 additional BWV's were identified as being related to this incident. The videos captured activities related to the securing of the crime scene, crowd control efforts, and the establishment of a perimeter. The additional BWV's did not capture the foot pursuit or the OIS.

Chief's Direction

The circumstances of this incident resulted in an officer and suspect sustaining multiple gunshot wounds necessitating immediate medical attention. Preservation of life remains one of the guiding principles of the Department in all situations, both when a use of force is involved or in daily field contacts. In an effort to better serve the community and officers, the Department is currently developing a, "Tactical Medicine for Law Enforcement" course with the guidance of leading medical professionals specializing in traumatic injury treatment. While not proffering this initiative as a substitute for traditional medical care, there may be rare instances where an officer's training and basic knowledge can make the difference between survival or death of an individual. Reverence for human life is not only a philosophy but it has tangible obligations, as well, and the organization continues to strive for quality through continuous improvement by seeking additional options to serve in all possible ways. This course would supplement our currently distributed Officer First Aid Kits.

Additionally, I am directing the Office of Operations and the Office of Special Operations to audit their personnel to ensure that the Officer First Aid Kits are properly deployed and that cardiopulmonary resuscitation certifications are current. These protocols allow commanding officers to ensure that all officers assigned to field operations are equipped with the necessary tools to provide emergency first aid to community members, suspects, or fellow officer, as needed.

Respectfully,




MICHEL R. MOORE
Chief of Police

Date: 2-12-20

LOS ANGELES POLICE DEPARTMENT
USE OF FORCE REVIEW BOARD REPORT

| | | |
|-------------------|--------|--------|
| INC No. 015-19 | CF No. | DR No. |
| SHOOTING | | |

REVIEW BOARD INFORMATION

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|---|--|---|---|
| Location of Incident 1721 E. 51st Street | RD 1367 | Date of Incident April 20, 2019 | Date and Time of Board Review January 13, 2020 1330 Hours |
| Chair Assistant Chief B. Girmala, Serial No. 24916 | Signature of Approving Board Members:  | | |
| Member (Office Representative) Assistant Chief R. Arcos, Serial No. 26185 | | | |
| Member (Police Sciences and Training Bureau) Deputy Chief M. Baeza, Serial No. 26624 | | | |
| Member (Bureau) Commander V. Palazzolo, Serial No. 27433 | | | |
| Member (Peer) Officer J. Lee, Serial No. 40975 | | | |
| Presenting Commanding Officer Captain H. Mohammadi, Serial No. 36506 | | | |
| Notes: | | | |
| Additional Considerations: | | | |
| Modification to Present Policy, Practices or Training: | | | |
| <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: right;"> <p>RECEIVED POLICE COMMISSION 2020 FEB 12 PM 1:48</p> </div> <div> <p><input type="checkbox"/> COP Date Signed: _____</p> <p><input type="checkbox"/> PC Date Submitted: _____</p> </div> </div> | | | |

| | | | | |
|--|--|--|--|---|
| Employee (Last Name, First, Middle) Covarrubias, Moises | | Serial No. 42028 | Rank/Class Police Officer II | Incident No. 015-19 |
| Length of Employment 4 years, 0 months | | Current Division Newton | Time in Current Division 1 year, 10 months | |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
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| Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) | | Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval) |

Notes:

RECEIVED
FEB 18 2020

OFFICE OF THE INSPECTOR GENERAL

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

- ☐ Extensive Retraining
☐ Notice to Correct Deficiencies
☐ Personnel Complaint
☐ Employee's Work History Reviewed

Notes:

2020 FEB 12 PM 1:48
RECEIVED
POLICE COMMISSION

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

| | | | | |
|--|-----------------------------------|--|---|---|
| Employee (Last Name, First, Middle) Trujillo, Enrique | | Serial No. 42259 | Rank/Class Police Officer II | Incident No. 015-19 |
| Length of Employment 3 years, 7 months | Current Division Newton | | Time in Current Division 1 year, 5 months | |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
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| Notes: | | | | |
| Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed | | Notes: | | |

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|---|--|---|--|--|
| Employee (Last Name, First, Middle) Chessum, Ian | | Serial No. 40895 | Rank/Class Police Officer III | Incident No. 015-19 |
| Length of Employment 7 years, 5 months | | Current Division Newton | Time in Current Division 3 years, 6 months | |
| Use of Force Review Board | | Chief of Police | | Police Commission |
| <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval | | <u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval |
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